

Appl. No. 10/690,512
Amdt. Dated: November 7, 2006
Reply to Office Action of: June 9, 2006

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REMARKS/ARGUMENTS

1) Summary of Prosecution

Claims 1, 2, 4 to 10 and 12 to 15 are pending in the application. Claims 6, 9, 14 and 15 have been withdrawn from consideration. Claims 3 and 11 have been cancelled.

2) Anticipation (35 USC 102(b))

Claims 1, 2, 4 to 5, 7, 8, 10, 12 and 13 are rejected as anticipated by Peterson, Jr. (United States Patent No. 3,760,673). Of these claims, claims 1 and 10 are independent. Applicant respectfully traverses this objection as follows.

The Peterson Reference, entitled "Plastic Cutting Machine" is directed to a "dicing machine for sheet plastics" (col. 1, lines 49 to 50). The entire specification of the Peterson Reference appears to be directed to this sole purpose. There is no disclosure or suggestion in the Peterson Reference that the disclosed Plastic Cutting Machine may be used for carpets or items similar to carpets.

In the present application, independent claims 1 and 10, and all claims dependent thereon, are directed to "A beveller for a carpet", as set out in the preamble of these claims. The claims are not directed to plastic sheets. Accordingly, the Peterson Reference does not anticipate the pending claims. MPEP (8rev5) paragraph 2111.02 "Effect of Preamble", II. "Preamble Statements Reciting Purpose or Intended Use", holds in part at page 2100-43 col. 2:

"[C]lear reliance on the preamble during prosecution to distinguish the claimed invention from the prior art transforms the preamble into a claim limitation because such reliance indicates use of the preamble to define, in part, the claimed invention...." (Citation omitted.)

Furthermore, the Peterson Reference does not appear to be capable of performing the intended use of the Applicant's claimed carpet beveller. Referring to FIG. 1 of the Peterson Reference, a carpet placed on bed knife 30 would be "diced", not bevelled. It is not apparent to the Applicant that the Peterson Plastic Cutting Machine could be used to bevel carpet.

In view of the foregoing, the Peterson reference does not anticipate any claims of the subject application.

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3) IDS

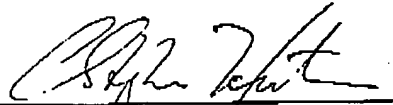
Applicant thanks the Examiner for considering the IDS originally submitted March 1, 2006.

4) Closing Remarks

In view of the above comments, the Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
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By



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